UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/1098
28 October 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1263 (1999) of 13 September 1999, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 14 December 1999. The Council requested me to report to it every 45 days on significant developments in the implementation of the Settlement Plan for Western Sahara (S/21360 and S/22464 and Corr.1), of the agreements reached between the parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO), under the auspices of my Personal Envoy, Mr. James A. Baker III (S/1997/742, annexes I-III) and of the United Nations package of measures (S/1999/483/Add.1). The present report covers developments since my previous report to the Security Council dated 8 September 1999 (S/1999/954).

II. DEVELOPMENTS DURING THE REPORTING PERIOD

2. My Special Representative, William Eagleton, together with the Chairman of the Identification Commission, Eduardo Vetere, visited United Nations Headquarters for consultations from 8 to 15 September 1999. They pursued subsequent consultations with the parties in the region with regard to the appeals process and the simultaneous identification of remaining applicants from tribal groupings H41, H61 and J51/52, as well as to the preparatory work for the repatriation of refugees and other Saharans residing outside the Territory who are eligible to vote, together with their immediate families. In this regard, my Special Representative met with the Minister for Foreign Affairs of Morocco, Mohamed Benaissa, at Rabat on 5 and 12 October 1999, and with the new Moroccan Coordinator with MINURSO, Mohamed Loulichki, at Laayoune on 7 October 1999 and thereafter; both reiterated their Government's position that the Settlement Plan and subsequent agreements should be fully implemented, and that all applicants have the right to appeal. My Special Representative was assured of the Frente POLISARIO's firm commitment to the referendum process by Secretary-General Abdelaziz and the Coordinator with MINURSO, Emhamed Khaddad, at Tindouf on 8 and 9 October 1999. The Chairman of the Identification Commission also met with the POLISARIO Coordinator at Tindouf on 6 October 1999, and with the Moroccan

Coordinator at Laayoune on 8 and 19 October 1999. I met with the Minister for Foreign Affairs of Morocco, Mohamed Benaissa, and the Frente POLISARIO Coordinator with MINURSO, Emhamed Khaddad, at Headquarters on 29 September and 28 October 1999, respectively.

3. In the meantime, on 29 September 1999, King Mohammed VI appointed Mr. Loulichki as Morocco's new Ambassador-Coordinator with MINURSO. Some days earlier, on 23 September, it was announced that the King had also created a Royal Commission on Western Sahara affairs, whose members would include Saharans, other representatives of the Territory's population, military and government officials. These two decisions were made against the background of communal disturbances at Laayoune on 27 and 28 September 1999, which followed the break-up by police of a student and worker demonstration on 22 September 1999. In this regard, I received a letter of protest dated 23 September 1999 from the Secretary-General of the Frente POLISARIO, Mohamed Abdelaziz. MINURSO has reported that the Moroccan authorities released those detained on 22 September, sanctioned security officials and sentenced to prison 27 persons who participated in communal rioting and looting on 27 and 28 September, and that a Moroccan ministerial delegation was dispatched to Laayoune on 6 October 1999 to address grievances.

A. Identification and appeals

4. On 6 September 1999, MINURSO's identification operations for individual applicants from tribal groupings H41, H61 and J51/52 resumed at five centres (Assa, Goulimine and Tan Tan in southern Morocco, and Nouadhibou and Zouerate in Mauritania). On 13 September 1999, the Rabat and Goulimine identification centres were opened, followed by those at Zagora on 14 October and at Taroudant on 21 October 1999. The Tata centre in southern Morocco is to open on 22 November 1999. Identification operations in Mauritania concluded at Nouadhibou on 14 September and at Zouerate on 5 October 1999. As at 22 October 1999, the number of applicants identified since 15 June 1999 stood at 29,818, bringing the total of applicants interviewed by the Identification Commission since 1994 to 177,067. According to MINURSO's estimates, if the current pace of identification is maintained, with the cooperation of the parties the identification of remaining applicants from the above three tribal groupings should be completed by the end of December 1999 or at the latest by mid-January 2000.

5. By the closing date for the submission of appeals on 18 September 1999, MINURSO had received 79,125 appeals (a preliminary figure which may be subject to some change, pending completion of data entry and checking). During the six weeks allotted for the submission of appeals, operating hours at the centres were extended beyond the required seven hours per day in order to accommodate the large number of applicants. In the first two weeks, most applicants wished to check the first part of the provisional voters list issued on 15 July 1999 (S/1999/875, para. 7) and to obtain file transcripts. In the third week, a large number of applicants asked to consult their files, and some registered their appeals. From the fourth week onwards, the number of appeals filed increased steadily, and the Identification Commission deployed additional staff and computer equipment to the appeals centres. The bulk of the appeals

received, including challenges to inclusion in the provisional voter list under article 9.2 of the appeals procedures (S/1999/483/Add.1), was registered in the final two weeks allotted for the submission of appeals. Applicants visited the centres more than once, to obtain transcripts and appeal forms, to request access to their files, to consult the files and to lodge appeals. The total number of applicants received at the various centres was 71,420. The Identification Commission provided 34,296 file transcripts to the applicants. A total of 15,384 applicants were provided access to consult their identification files.

6. Since 18 September 1999, the Identification Commission has been actively working at Laayoune and Tindouf to process data, sort appeals according to tribal sub-fraction and place of residence, cross-reference appeals with the identification files, notify persons whose inclusion in the provisional voters list was challenged, analyse the appeals, and plan organizational and logistic arrangements for appeal hearings. Given the great number of appeals registered and of related documents to be examined, this preliminary processing of appeal files may not be completed before 15 November 1999.

7. Preliminary statistical analysis of the appeals shows that the overwhelming majority of appeals filed (65,072) are against exclusion from the first part of the provisional list of persons eligible to vote, and fall under article 9.1 (iii) of the appeals procedures (S/1999/483/Add.1). Almost all of these appellants intend to present one or two witnesses, whereas comparatively few produce documentary evidence. There are 925 appeals under article 9.1 (i) of the appeals procedures, from applicants mostly from Mauritania or outside the region, on the grounds that they had not been convoked or identified by the Commission although they had filed an application for identification; 1,607 applicants who claim force majeure under article 9.1 (ii); and 644 appeals under article 9.1 (iv) from persons included in the revised census list of 1991 who have not been convoked for identification. The remaining 166 cases have yet to be classified. The table in annex I to the present report summarizes the appeals by place of filing and broad category. Most of the 14,053 appeals against inclusion, under article 9.2 of the appeals procedures, allege mistaken identity, with the remainder alleging failure to meet the criteria for voter eligibility. These 14,053 appeals have been presented by 1,199 individuals (1,156 in the Territory and Morocco, and 53 in the Tindouf camps), which indicates multiple challenges.

8. It is estimated that 36 additional Identification Commission members would be required, above the 30 currently authorized, together with corresponding numbers of United Nations registration/appeals officers, assistants and other personnel, including civilian police and support staff, to consider admissibility and hold hearings on almost 80,000 appeals over a period of 10-12 months. This does not include the time and resources required for eventual appeals from the individual applicants of tribal groupings H41, H61 and J51/52 who are currently being identified.

9. A meeting of all Identification Commission members and registration officers was held at Agadir on 2 October 1999 to evaluate experience gained in the first phase of appeals and to plan for the admissibility and hearing stage. The meeting also assessed the progress and decision-making quality issues in the

identification operations. In the coming weeks, the Identification Commission intends to examine further, in consultation with the parties and the Secretariat, several issues bearing on the conduct, duration and resource requirements for the appeals process, notably the application of the admissibility requirements and the availability of sheikhs, Commission staff and observers of the Organization of African Unity.

10. During the reporting period, the communications matériel which had been held for several weeks at the airport customs at Laayoune (S/1999/954, para. 8), was finally released by the Agence nationale de réglementation des télécommunications.

B. Military aspects

11. As at 18 October 1999, the strength of the military component of MINURSO stood at 229 all ranks (see annex II). Under the command of Major-General Bernd S. Lubenik (Austria), the military component continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO forces, which came into effect on 6 September 1991. The MINURSO area of responsibility remains calm and there have been no indications that either side intends to resume hostilities in the near future.

12. Discussions were pursued on modalities for the implementation of paragraph 42 of the status-of-forces agreement between the United Nations and Morocco concerning the carriage of weapons. The text of an arrangement pursuant to that paragraph was agreed and signed by MINURSO and the Moroccan military authorities on 26 October 1999.

13. Progress continued to be made in the implementation of the military agreements between MINURSO and the two parties on the marking and disposal of unexploded ordnance and the related exchange of information, with completion of 70 per cent of current tasks West of the defensive sand-wall (berm) and 53 per cent of those East of the berm. However, activities to that effect slowed considerably on the Moroccan side during the reporting period, and the Royal Moroccan Army sub-sector commanders were therefore urged by MINURSO to keep up with the implementation of the agreement on the marking and disposal of unexploded ordnance.

14. The tour of duty of Major-General Lubenik as Force Commander of MINURSO comes to an end on 31 October 1999. I wish to place on record the appreciation of the United Nations for Major-General Lubenik's leadership of the military observers and other units under his command in the period since August 1997.

C. Civilian police aspects

15. During the reporting period, the civilian police component of MINURSO continued to assist the Identification Commission at the identification and appeals centres. The current strength of the component stands at 81 civilian police officers (see annex II) as authorized, under the command of the Acting Commissioner, Assistant Commandant Sunil Roy (India). It is expected that the

new Police Commissioner, Inspector General of Police Om Prakash Rathor (India), will take up his duties in the mission area in early November 1999.

16. The work of the civilian police of MINURSO remains closely linked to the identification process. Officers provide 24-hour security, as required, escort the respective observers and Saharan sheikhs of the other party to the identification centres in Western Sahara and the Tindouf area of Algeria, as well as in Morocco and Mauritania. The civilian police officers contribute directly to various identification activities. In addition to controlling access and ensuring order at the identification centres, the civilian police officers provide 24-hour security for sensitive files, and assist Commission members in the identification work by taking photographs and fingerprints of new applicants. An additional 25 civilian police officers will be required to assist the Identification Commission in conducting the identification and appeals processes simultaneously.

D. Preparatory work for the repatriation of Saharan refugees

17. During the reporting period, the Office of the United Nations High Commissioner for Refugees (UNHCR), in close consultation and coordination with MINURSO, continued its preparatory work for the repatriation of Saharan refugees as provided for under the Settlement Plan.

18. Pursuant to Security Council resolution 1238 (1999), UNHCR held discussions with the Frente POLISARIO in the Tindouf area of Algeria on 28 September 1999, regarding the draft plan of action on cross-border confidence-building measures. While agreeing in principle to the activities envisaged by UNHCR in its draft plan, which is aimed at fostering a climate of confidence within the Territory and in the Tindouf refugee camps, the Frente POLISARIO expressed the refugees' concerns over their safety and security during the implementation of these activities in the Territory, and over the time-frame proposed. The Frente POLISARIO added that the confidence-building activities envisaged should be implemented only when guarantees regarding safety, security and freedom of movement and speech are in place in the Territory West of the berm. Although the refugees in the camps had welcomed the proposed confidence-building measures, their concerns regarding safety and security were also noted by UNHCR during its pre-registration and needs-assessment exercise in the camps.

19. UNHCR also discussed with MINURSO the above security concerns of the refugees, and this issue will be further pursued by my Special Representative with the two parties. In the meantime, since UNHCR has obtained the parties' agreement in principle, it will pursue consultations with both sides in order to reach an understanding on the modalities for the implementation of the above-mentioned draft plan of action, including its time-frame.

20. As indicated in my previous report (S/1999/954), UNHCR had held preliminary discussions with the Moroccan authorities on the draft refugee repatriation protocol. During the reporting period, some discussion also took place with the Frente POLISARIO regarding that draft.

21. UNHCR's pre-registration exercise to ascertain the refugees' willingness to repatriate and to determine their final destinations in the Territory continued at the last Tindouf camp, Camp Smara, with 3,538 refugees pre-registered thus far. This brings the total number of refugees pre-registered since the exercise began in the Tindouf camps in 1998 to 68,556. The exercise in the camps, including electronic data collection, is expected to be completed by mid-December 1999. Pre-registration was completed at Nouadhibou and Zouerate in Mauritania, with a total of 26,416 persons pre-registered. UNHCR will need to update its planning assumption after the completion of the entire pre-registration exercise.

22. During UNHCR's pre-registration and needs assessment of refugees in the Tindouf camps, the vast majority continued to express their desire to repatriate only to the Territory East of the berm due to fear for their safety and security if they returned West of the berm. The refugees also continued to express their doubts of the United Nations ability to guarantee their safety and security during the transitional period under the Settlement Plan. Despite UNHCR's best efforts to explain the United Nations role in ensuring their safety and security, the refugees maintained those concerns, and added that recent events in East Timor and at Laayoune have further decreased their confidence in the United Nations ability in this regard.

23. Regarding UNHCR's logistics reconnaissance and infrastructure development planning, dates are being finalized with the Moroccan authorities for the second joint reconnaissance visit to Smara and Boujdour in the Territory. It will also be necessary for UNHCR to complete reconnaissance surveys in the Territory East of the berm to enable it to complete its repatriation plan, including for those refugees who may have originated from that area and expect to return there, as well as for those who expect to transit by road to the West of the berm.

III. FINANCIAL ASPECTS

24. The General Assembly, by its resolution 53/18 B of 8 June 1999, appropriated the amount of $52.1 million, equivalent to a monthly rate of some $4.3 million, for the maintenance of MINURSO for the period from 1 July 1999 to 30 June 2000 at the strength authorized by the Council in its resolution 1133 (1997). With regard to the additional costs associated with the simultaneous conduct of the identification and appeals processes described in my previous report to the Council, I obtained authorization from the Advisory Committee on Administrative and Budgetary Questions to enter into commitments to incur additional expenditure for this purpose in an amount of $5.1 million. As at 15 October 1999, unpaid assessed contributions to the MINURSO special account amounted to $71.2 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,796.1 million.

IV. OBSERVATIONS

25. During the period under review, further progress was made in the conduct of identification operations for the H41, H61 and J51/52 tribal groupings. I urge both parties to maintain their cooperation so as to ensure completion of this important activity by the end of December 1999, as currently planned.

26. As described in the present report, the receipt of appeals has been completed. In exercising their rights, a very large number of applicants submitted appeals. The more than 79,000 appeals received correspond very closely to the number of persons omitted from the first part of the provisional list of potential voters issued on 15 July 1999. Under these circumstances, we might be confronted with a lengthy appeals process, involving almost all applicants rejected in the first instance, as well as a large number of applicants whose inclusion in the provisional voter list has been challenged. Depending on the results of MINURSO's analysis of the admissibility of these appeals, this outcome will require a thorough consideration of all relevant consequences relating to the application of the appeals procedures, to the staff, financial and other resources required, and to the timetable for holding the referendum. I have asked my Special Representative to consult further with the parties in this respect in order to be able to provide the Security Council, in my report due in early December 1999, with a realistic assessment, including implications, of the steps ahead.

27. MINURSO has completed its consultations with the Moroccan military authorities on the modalities for the implementation of paragraph 42 of the status-of-forces agreement concerning the carriage of weapons by MINURSO troops. The text of an arrangement was signed by MINURSO and the Moroccan military authorities on 26 October 1999.

28. It is regrettable that after its presentation to the Security Council in June 1999 and the discussions held with the parties, the UNHCR draft plan of action on confidence-building measures has yet to be implemented. The importance of fostering a climate of trust and confidence between the parties as called for by the Settlement Plan cannot be overemphasized. I urge both parties to cooperate fully with MINURSO and UNHCR for the immediate initiation of the confidence-building measures to which both parties have agreed in principle.

Annex I

Appeals received, by area of filing and by category

Location	Against exclusion	Against inclusion	Total	Percentage
Territory	21 017	11 903	32 920	41
Morocco	41 697	23	41 720	53
Tindouf	1 444	2 127	3 571	5
Mauritania	914	0	914	1
Total	65 072	14 053	79 125	100

Annex II

United Nations Mission for the Referendum in Western Sahara

Contributions as at 18 October 1999

	Military observers	Staff officers	Troops	Civilian police observers	Total
Argentina	1	-	-	-	1
Austria	5	-	-	-	5'
Bangladesh	6	-	-	-	6
China	16	-	-	-	16
Egypt	19	-	-	1	20
El Salvador	2	-	-	-	2
France	25	-	-	-	25
Ghana	6	-	7	10	23
Greece	1	-	-	-	1
Guinea	3	-	-	-	3
Honduras	12	-	-	-	12
Hungary	-	-	-	4	4
India	-	-	-	11	11
Ireland	7	-	-	-	7
Italy	5	-	-	-	5
Kenya	8	-	-	-	8
Malaysia	13	-	-	10	23
Nigeria	5	-	-	10	15
Norway	-	-	-	2	2
Pakistan	6	-	-	9	13
Poland	3	-	-	-	3
Portugal	4	-	-	9	13
Republic of Korea	-	-	20	-	20
Russian Federation	24	-	-	-	24
Senegal	-	-	-	5	5
Sweden	-	-	-	10	10
Uruguay	13	-	-	-	13
United States of America	15	-	-	-	15
Venezuela	3	-	-	-	3
Total	202	-	27	81	310

' In addition to the Force Commander.